

# CITY OF ROSENBERG

## REGULAR CITY COUNCIL MEETING MINUTES

On this the 1st day of September, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

### PRESENT

Cynthia A. McConathy	Mayor
William Benton	Councilor at Large, Position 1
Amanda J. Barta	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Lisa M. Wallingford	Councilor, District 3
Lynn Moses	Councilor, District 4

### STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Tonya Palmer	Building Official
Lisa Olmeda	Human Resources Director
Dallis Warren	Police Chief
Justin Rodgers	Police Officer
Wade Goates	Fire Chief
Randall Malik	Economic Development Director
James Lewis	Director of Technology
Jenny Pavlovich	Communications Manager
Kaye Supak	Executive Assistant

**The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.**

### CALL TO ORDER.

Mayor McConathy called the meeting to order at 7:00 p.m.

### INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Bob Sinclair, First United Methodist Church, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

### ANNOUNCEMENTS.

- The funeral for Sheriff Deputy Darren Goforth will take place Friday at 11 a.m. at Second Baptist Church in Houston. Please include his family in your prayers that day.

### PRESENTATION OF ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

Mayor McConathy and Councilor Benton presented Rosenberg Image Committee Beautification and Renovation Awards to:

- |                                 |                      |
|---------------------------------|----------------------|
| • Agnes Helm, Ryan and Jade Ohl | 1122 Lawrence Street |
| • Ryan and Cheryl Duran         | 503 Houston Street   |
| • Rosenberg Station             | 5101 Avenue H        |

## **PRESENTATION OF PROCLAMATION PROCLAIMING SEPTEMBER 14, 2015, AS STAR-SPANGLED BANNER DAY IN THE CITY OF ROSENBERG.**

Mayor McConathy presented a Proclamation Proclaiming September 14, 2015, as Star-Spangled Banner Day in the City of Rosenberg.

### **GENERAL COMMENTS FROM THE AUDIENCE.**

*Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.*

- **Carol Reed, 1126 Sally Anne** - There have been improvements on Sally Anne Street, but the speeding problem still persists and she hopes that the City will do more to control the traffic.

### **COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.**

*Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.*

## **CONSENT AGENDA**

### **1. Review of Consent Agenda.**

*All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.*

- A. **CONSIDERATION OF AND ACTION ON SPECIAL MEETING MINUTES FOR AUGUST 08, 2015, AND WORKSHOP MEETING MINUTES FOR AUGUST 08, 2015.**
- B. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2028, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT 4 TO: SECURITY SERVICES CONTRACT BETWEEN LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF ROSENBERG FOR POLICE SERVICES PROVIDED BY ROSENBERG POLICE OFFICERS.**

**Executive Summary:** Amendment 4 to the Security Services Contract (Contract) with Lamar Consolidated Independent School District (LCISD) is to provide for one (1) additional one-year extension to the current Contract.

LCISD and Rosenberg mutually agree that the terms and provisions of the original Agreement, executed by a representative of LCISD on March 22, 2012, and by the City on August 21, 2012, shall renew automatically for a term of one (1) year, ending on August 31, 2016. One (1) additional one-year renewal remains upon mutual agreement of the parties

Amendment 4 is included as Exhibit "A" to Resolution No. R-2028. Staff recommends approval of Resolution No. R-2028 as presented.

**Action:** Councilor Euton made a motion, seconded by Councilor Moses, to approve Consent Agenda Items A and B. The motion carried by a unanimous vote.

## **REGULAR AGENDA**

- 2. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-26, AN ORDINANCE APPROVING AND ADOPTING THE CITY OF ROSENBERG, TEXAS, BUDGET FOR THE FISCAL YEAR 2015-2016;**



**MAKING APPROPRIATIONS FOR THE CITY FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.**

**Executive Summary:** Ordinance No. 2015-26 provides City Council with the opportunity to consider adopting the FY2015-2016 Budget as prepared and presented by staff and adjusted by City Council during the recent Budget workshops.

The proposed operating Budget as shown in the Combined Budget Summary, or Exhibit "A" of Ordinance No. 2015-26, appropriates those monies necessary to fund City operations, including general operations, water and wastewater operations, debt service obligations, special revenue fund operations, internal service fund operations and capital outlays for FY2015-2016.

This Budget, as presented in Exhibit "A", is based on the proposed FY2015-2016 Budget that was originally presented to City Council on July 21, 2015, and includes the changes presented in the memorandum dated August 26, 2015.

Staff recommends approval of Ordinance No. 2015-26, providing for and adopting the City of Rosenberg, Texas, Budget for the Fiscal Year 2015-2016.

**Key Discussion Points:** Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary.

**Action:** Councilor Euton made a motion, seconded by Councilor Barta, to approve Ordinance No. 2015-26, an Ordinance approving and adopting the City of Rosenberg, Texas, Budget for the Fiscal Year 2015-2016; making appropriations for the City for such year as reflected in said Budget; and making certain findings and containing certain provisions relating to the subject. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-27, AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF ROSENBERG, TEXAS, FOR THE YEAR 2015; PROVIDING FOR THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.**

**Executive Summary:** Staff recommends the adoption of Ordinance No. 2015-27. This Ordinance levies an ad valorem tax rate of \$0.470000 per \$100 valuation for Tax Year 2015, the collection of which falls in FY2015-2016, beginning October 01, 2015, and ending September 30, 2016. The maintenance and operation tax rate will be set at \$0.253742 per \$100 valuation and the debt service tax rate will be set at \$0.216258 per \$100 valuation.

To approve Ordinance No. 2015-27, it will be necessary for City Council to consider three (3) separate motions in accordance with specific statutory requirements applicable to the adoption of the tax rate, and indicated as follows:

1. Motion: I move that a tax rate of \$0.253742 for the purpose of funding the maintenance and operation expenses of the City be approved;
2. Motion: I move that a tax rate of \$0.216258 for the purpose of paying the accruing interest and to provide a sinking fund for the payment of the indebtedness of the City be approved; and,
3. Motion: I move that the property tax rate be adopted at a tax rate of \$0.470000 per \$100 valuation, and I move to adopt Ordinance No. 2015-27.

**Key Discussion Points:** Joyce Vasut read the Executive Summary.

**Action:** Councilor Euton made a motion, seconded by Councilor Moses, that a tax rate of \$0.253742 for the purpose of funding the maintenance and operation expenses of the City be approved. The motion carried by a unanimous vote.

**Action:** Councilor Euton made a motion, seconded by Councilor Barta, that a tax rate of



\$0.216258 for the purpose of paying the accruing interest and to provide a sinking fund for the payment of the indebtedness of the City be approved. The motion carried by a unanimous vote.

**Action:** Councilor Euton made a motion, seconded by Councilor Barta, that the property tax rate be adopted at a tax rate of \$0.470000 per \$100 valuation, and to adopt Ordinance No. 2015-27, with an amendment to section 4 correcting the date from 2015 to 2016. The motion carried by a unanimous vote.

4. **CONSIDERATION OF AND ACTION ON RATIFICATION OF ADOPTION OF A BUDGET THAT WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN IN THE PREVIOUS YEAR DUE TO AN INCREASE IN NEW DEVELOPMENT.**

**Executive Summary:** In accordance with the requirements of Section 102.007 of the Texas Local Government Code, the City Council is required to have a separate vote to ratify the adoption of a Budget that will require raising more revenue from property taxes than in the previous year. The City Council plans to adopt a tax rate of \$0.47 per \$100, which is less than the effective rate and the rollback rate. Therefore according to Truth-in-Taxation, the City Council is not adopting a tax increase. However, due to the amount of new development, there will be an increase in the amount of taxable property and the City anticipates the collection of more property tax revenue than in the previous year. The 2015-2016 Budget as adopted also anticipates this increase.

In order to ratify the adoption of a Budget that will raise more revenues from property taxes than the previous year, it will be necessary for City Council to indicate such ratification with the following motion:

Motion: I move to ratify the adoption of the 2015-2016 Budget that will require raising more revenue from property taxes than in the previous year due to the increase in new development.

**Key Discussion Points:** Joyce Vasut read the Executive Summary.

**Action:** Councilor Pena made a motion, seconded by Councilor Wallingford, to ratify the adoption of the 2015-2016 Budget that will require raising more revenue from property taxes than in the previous year due to the increase in new development.

**The motion carried by a vote of 6 to 1 as follows: Yeses: Mayor McConathy, Councilors Barta, Pena, Euton, Wallingford, and Moses. No: Councilor Benton.**

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2029, A RESOLUTION AWARDED BID NO. 2015-07 FOR CONSTRUCTION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT RELATED TO CONSTRUCTION SERVICES FOR THE NORTH SIDE WATERLINE IMPROVEMENTS PHASE II; AND, PROVIDING AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

**Executive Summary:** Proposals were received on Wednesday, August 19, 2015, for Phase II of the Community Development Block Grant (CDBG) waterline improvements. The bids were opened and tabulated as indicated on the Bid Summary included in the agenda packet. A total of nine (9) bids were received.

Staff recommends Bid No. 2015-07 be awarded to Scohil Construction Services, LLC, for the Base Bid amount of \$ 179,760.00 and Alternate Bid No.1 in the amount of \$ 63,520.00, for a total amount of \$ 243,280.00 with a term of thirty (30) working days. The attached correspondence from Kelly R. Kaluza & Associates, Inc., recommends same. Should the bid be awarded as recommended, the Scohil Construction proposal will be attached and will serve as Exhibit "A" to Resolution No. R-2029.

CDBG funding of \$210,000.00 has been provided for this project; \$39,900.00 is provided for engineering reimbursement and \$170,100.00 is provided for construction. The City would



provide local matching funds in the amount of \$73,180.00 to fully fund the remaining construction cost that is above the grant amount. The City had budgeted \$61,000.00 for the local matching funds; therefore, a budget adjustment in the amount of \$12,180.00 will be presented at a future meeting.

Staff recommends approval of Resolution No. R-2029 which will award Bid No. 2015-07 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Project.

**Key Discussion Points:** John Maresh, Assistant City Manager of Public Services, read the Executive Summary, and explained that Scohil Construction Services is already in Rosenberg working on Avenues H and I, which is why their total working days are significantly lower than the other bidders. Mr. Maresh stated his confidence that Scohil can meet that schedule, and Larence Turner with Kelly Kaluza Engineering reiterated his confidence that the contractor can complete the job in the 30 day time period as bid.

**Action:** Councilor Pena made a motion, seconded by Councilor Benton, to approve Resolution No. R-2029, a Resolution awarding Bid No. 2015-07 for construction of the Community Development Block Grant (CDBG) Project related to construction services for the North Side Waterline Improvements Phase II; and, providing authorization for the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2017, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY AND THE FORT BEND SUBSIDENCE DISTRICT REGARDING PARTICIPATION AS A SPONSOR IN THE WATER CONSERVATION EDUCATION PROGRAM.**

**Executive Summary:** The City of Rosenberg has participated in the Fort Bend Subsidence District (District) Water Conservation Education (Learning to be Water Wise) Program (Program) annually since FY2006-2007. Per the correspondence from Mr. Mike Turco, General Manager, the District is preparing for FY2015-2016 and has provided an Interlocal Agreement to formalize the City's continued sponsorship of the Program. This Agreement, attached to Resolution No. R-2017 as Exhibit "A", will require renewal on an annual basis. The proposed FY2016 Budget Water/Wastewater Fund 514 includes a \$20,000 appropriation for said purpose. This is the same dollar amount as the current FY2014-2015 Budget.

The City receives a Certificate of Deposit water conservation credit equal to 84,000 gallons of groundwater for each student, at a cost of \$35.40 per student. Each Certificate of Deposit can be held for up to 20 years after the issuance date. These water conservation credits are a valuable asset that can be used by the City to help meet the District's 30% groundwater reduction requirement, or they can be sold to other public or private entities that must also comply with the groundwater reduction requirement. Based on the current construction schedule to begin taking delivery of treated surface water from the Brazosport Water Authority, staff does anticipate having to use said credits to help meet the 30% groundwater reduction requirement effective on October 01, 2016.

Staff recommends approval of Resolution No. R-2017 as presented.

**Key Discussion Points:** John Maresh read the Executive Summary, and members of Council expressed their favor of this credit.

**Action:** Councilor Euton made a motion, seconded by Councilor Benton, to approve Resolution No. R-2017, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Interlocal Agreement by and between the City and the Fort Bend Subsidence District regarding participation as a sponsor in the Water Conservation Education Program. The motion carried by a unanimous vote.



7. **REVIEW AND DISCUSS PROPOSED CANCELLATION OF THE OCTOBER 06, 2015 REGULAR CITY COUNCIL MEETING, TO ACCOMMODATE THE NATIONAL NIGHT OUT ACTIVITIES, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** Last year, the first Regular City Council Meeting in October was cancelled in order to allow for the members of City Council to have time to attend the "National Night Out" events that are planned in the City. This item will offer City Council the opportunity to discuss cancelling the Regular City Council Meeting scheduled for October 06, 2015.

**Key Discussion Points:** Linda Cernosek, City Secretary, read the Executive Summary.

**Action:** Councilor Benton made a motion, seconded by Councilor Moses, to cancel the October 06, 2015 Regular City Council Meeting to accommodate the National Night Out activities. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON VARIANCE DECISION AND ORDER NO. V2015-01, A VARIANCE REQUEST BY VICTOR MACHA TO THE REQUIREMENTS OF SECTION 25-68 OF THE CODE OF ORDINANCES RELATING TO THE BUILDING LINES FOR SINGLE-FAMILY RESIDENTIAL LOTS, ALLOWING FOR A PROPOSED CARPORT ADDITION TO THE PROPERTY LOCATED AT 1509 GEORGE STREET (ALLENDALE MANOR, BLOCK 12, LOT 3).**

**Executive Summary:** A Variance Request has been submitted for a proposed carport addition at 1509 George Street (Allendale Manor, Block 12, Lot 3). A vicinity map of the property, application materials, and photos are included in the agenda packet for review. The property is located on the east side of George Street between Avenue M and Dyer Street, and across the street from Holy Rosary Church.

The subdivision, Allendale Manor, was originally platted in 1949. Due to the age of the subdivision, an image of the plat is not available on the County website. However, based on adjoining plats and other subdivisions platted around the same time and for which images are available, it is unlikely that there are platted building lines (or setbacks). The current "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68) requires a 25' front building line on single-family residential lots. This requirement appears to have been in place since 2005 and, to staff's knowledge, has been enforced consistently since that time.

The property itself appears to have an approximately 23' front setback and the owner wishes to construct a carport approximately 5' from the right-of-way line. Upon further investigation of the area, staff found the following:

- There are ten (10) nonconforming carports within approximately three (3) blocks, or within approximately 1,000', on George Street.
- There are eighteen (18) nonconforming carports within approximately five (5) blocks, or within approximately 1,500', on George Street.

The above is likely because many of the homes either have no garage, have a relatively small garage (i.e., one-car), or have a garage that has been enclosed. *Setbacks and building lines are generally applied to maintain a consistent residential character. However, in this case, the residential character to date includes a relatively high number of carports.*

Variances must be evaluated by the Planning Commission and City Council based on the four (4) criteria outlined in the Code (Sec. 25-8). The following is staff's analysis of each of the criteria.

**(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;**

*The applicant has claimed in their application a lack of protection from rain and extreme temperatures. It could also be claimed that the neighborhood being highlighted by many existing/nonconforming carports is unique. Further, it could be argued that it is unreasonable to not allow the property owner to use their land consistently with surrounding properties, unless the Council believes the proposed and existing carports are in any way detrimental to the area (and thus their*



existence should not be promoted in the future).

**(2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;**

Staff cannot identify any safety concerns or specific negative impacts associated with this request (based in part on many of the nearby properties also having carports without any apparent issues). The applicant claims it will be structurally sound; additionally, it will be required to comply with applicable international codes and would be inspected by the City.

**(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and**

The granting of the variance should not prevent orderly subdivisions in the area. New subdivisions are required to have building lines in accordance with City codes and in that way are not the same as older subdivisions with lesser or nonexistent building lines. Applicant claims no existing carports in the neighborhood are close to meeting the required setback, which is an accurate statement. They (carports) appear to range from zero (0) to five (5) feet from the street right-of-way.

**(4) A more appropriate design solution exists which is not currently allowed in this chapter.**

The proposed design solution does not appear to be inappropriate for the particular area. It has apparently not been deemed inappropriate for the area in the past (pre-2005).

Staff has no objection to the proposed variance with the condition of a minimum five (5) foot setback from the right-of-way. Lack of objection is based on the surrounding residential character and not being inconsistent with the four (4) criteria as outlined in the Code. The condition of having a five (5) foot setback is recommended to comply with international code requirements. With the latter condition in place, staff sees no further issues.

The Planning Commission recommended approval to City Council of the variance on August 19, 2015. Per the Code, City Council has the ultimate authority to grant variances if it finds that a hardship exists.

**Key Discussion Points:** Travis Tanner, Executive Director of Community Development, read the Executive Summary and gave a presentation on the proposed carport. The consensus of Council was supportive of the variance, and staff was instructed to review the current Ordinances to accommodate some of the older neighborhoods.

**Action:** Councilor Barta made a motion, seconded by Councilor Wallingford, to approve Variance Decision and Order No. V2015-01, a Variance Request by Victor Macha to the requirements of Section 25-68 of the Code of Ordinances relating to the building lines for single-family residential lots, allowing for a proposed carport addition to the property located at 1509 George Street (Allendale Manor, Block 12, Lot 3). The motion carried by a unanimous vote.

9. **REVIEW AND DISCUSS A PETITION FOR DISANNEXATION OF 1.393 ACRES (60,689 SQUARE FEET) LOCATED IN THE WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155), AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** City staff has received a request from Beazer Homes and current property owners/residents regarding the disannexation of approximately 1.393 acres from the City of Rosenberg City Limits and in Fort Bend County MUD No. 155 (Bonbrook Plantation). It should also be noted that the petition suggests making said disannexation retroactive prior to January 01, 2015. However, staff has consulted with the City Attorney and we do not believe the latter can be done legally.

As discussed, the petition involves a 1.393-acre tract of land. The tract was originally annexed by the City in 1990 and happens to intersect with a small portion of what is now MUD No. 155, or Bonbrook Plantation. The property in question was platted in 2014 as part of Bonbrook Plantation North



Section Nine. In many cases, lots were subsequently built on and sold, resulting in homeowners or residents being part in and part out of the City.

While the City did not develop the property or necessarily create the situation, having lots in multiple jurisdictions is not a situation that staff recommends continuing. Further, the estimated fiscal impact or loss of ad valorem tax revenue is only approximately \$900 annually based on 2014 City taxes levied.

While staff does not object to releasing the property from the City's jurisdiction based on the circumstances, it is a more rigorous process than if the land was unoccupied. If unoccupied, such a disannexation can be initiated simply by a petition from the property owner. If occupied, however, per state law (Local Government Code, Ch. 43) and City Charter (Sec. 1.04), it requires a petition from the majority of voters residing in the area and additional notification requirements to be completed by petitioner/s.

It appears at this time all registered voters (7 out of 7) have signed the petition. This has been verified by Fort Bend County as of August 24, 2015. Additionally, the petition specifically waives the right for petitioner/s to recover any City property taxes paid to date, so there should not be a negative fiscal impact from that standpoint.

This request was initially submitted in May 2015, with the City Attorney commenting that the disannexation needed to follow publication, posting, voting and timing requirements per state law. According to a letter received from Beazer Homes, dated August 13, 2015, the publishing, posting, voting and timing requirements have been fulfilled. The City Attorney has reviewed the resubmitted petition and attached exhibits and found them to be in conformance with the requirements of the City Charter and the Local Government Code.

Staff believed it was important to first bring this item to City Council for discussion purposes since it will set a precedent for how the City deals with future potential disannexation of occupied property. Therefore it is important to review the requirements per state law.

**Key Discussion Points:** Travis Tanner gave an overview and presentation of the item. Scott Tschirhart, City Attorney, explained that the petition has been reviewed and is binding, but the ultimate decision of whether to disannex this property is at the discretion of Council. After discussion, Council directed staff to move forward with the disannexation of the property. This item will be brought before Council in the form of an Ordinance at a future meeting.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-2031, A RESOLUTION WITHDRAWING CONSENT TO THE ESTABLISHMENT OF ANY DEVELOPMENT STANDARDS OR GUIDELINES OF THE WEST FORT BEND MANAGEMENT DISTRICT AND REPEALING ALL PRIOR DEVELOPMENT STANDARDS AND GUIDELINES ADOPTED BY THE WEST FORT BEND MANAGEMENT DISTRICT.**

**Executive Summary:** This item has been added to the Agenda to provide City Council with an opportunity to consider Resolution No. R-2031 (Resolution). Standard and guideline adoption by the West Fort Bend Management District (District) must be approved by the cities of Rosenberg and Richmond. This Resolution will withdraw consent by the City of Rosenberg from all previously adopted development standards and guidelines so that no such development standards and guidelines will be enforceable within the District.

Resolution No. R-2031 was attached in the agenda packet for review and consideration.

**Key Discussion Points:** Mayor McConathy gave an overview of the item. Scott Tschirhart explained his concern that we would not want to leave a space where there are no development standards whatsoever. He recommended delaying the effective date of the Resolution, and providing interim standards before reaching a final solution during a workshop meeting. After discussion, Council requested that an amendment be made to Section 2 to include the following language: "This Resolution shall be effective sixty (60) days from passage."



**Action:** Councilor Pena made a motion, seconded by Councilor Moses, to approve Resolution No. R-2031, a Resolution withdrawing consent to the establishment of any development standards or guidelines of the West Fort Bend Management District and repealing all prior development standards and guidelines adopted by the West Fort Bend Management District, with amendment to Section 2, making the Resolution effective 60 days from passage. The motion carried by a unanimous vote.

11. **HOLD EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, AND EVALUATION OF THE CITY MANAGER PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

**Action:** Councilor Barta made a motion, seconded by Councilor Wallingford, to adjourn to Executive Session. The motion carried by a unanimous vote.

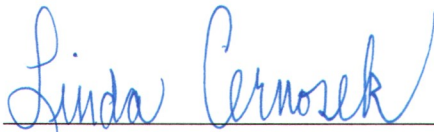
An Executive Session was held to deliberate the appointment, employment, and evaluation of the City Manager pursuant to Section 551.074 of the Texas Government Code.

12. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

Mayor McConathy adjourned the Executive Session and reconvened into Regular Session at 8:52 p.m.

13. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 8:52 p.m.

  
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Linda Cernosek, TRMC, City Secretary